

DEPARTMENT OF HEALTH SERVICES

714,744 P STREET
SACRAMENTO, CA 95814



January 22, 1985

To: All County Welfare Directors
County Administrative Officers

Letter No. 85-2

IMPACT OF SALDIVAR V. MCMAHON ON MEDI-CAL

This letter is to inform you that the Department of Health Services (DHS) will adopt procedures similar to those of the Department of Social Services (DSS) in response to the Saldivar v. McMahon court order.

As you know, the ruling in Saldivar v. McMahon permanently enjoined DSS regulations which authorize adequate notice (instead of timely notice) when acting on information reported on the monthly eligibility report. DSS has mandated county intake for receipt of written state hearing requests for the AFDC, Food Stamps, IHSS and Refugee programs. Please refer to DSS' All County Letters No. 84-97 and 84-116 and DSS' All County Information Notice No. 1-136-83. For ease in county administration and to avoid beneficiary confusion, DHS is requiring county intake on written hearing requests for Medi-Cal eligibility issues. These instructions, therefore, do not affect beneficiary requests for a hearing where the issue is level of care or scope of benefits. As in the past, beneficiaries will continue to file such appeals with the Office of the Chief Referee (OCR), DSS.

Counties should continue using the existing supplies of the MC 239 Notice of Action (NOA) forms. The back of these forms instructs the Medi-Cal applicant or beneficiary who is dissatisfied with the county action or inaction to file written state hearing requests with the OCR. Since this information is no longer appropriate, counties may attach a disclaimer to the front of the NOA advising the claimant of the following: "Despite what it says on the reverse side of the form the best way to request a state hearing is to complete and send this notice to: (Your county welfare department name and address)." Please be aware that our approval to utilize this disclaimer statement is for DHS' MC 239 NOA forms only. Counties (with the exception of Los Angeles County) will also need to delete the DSS address on the MC 216, Rights of Persons Requesting Medi-Cal form. Counties who do not have data processing capabilities and/or are unable to program the disclaimer language onto the NOA may use a rubber stamp, affix labels, or type in the disclaimer language. Counties may choose not to use the disclaimer language. They may, instead, blank out the existing addresses on the reverse side of the NOA and use a rubber stamp, affix a label, or type in their address.

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DHS will revise the back of the NOA and these new forms will be available upon depletion of the existing stock. Counties will be provided with instructions regarding the amended NOA in the near future.

Please implement these procedures on February 1, 1985, consistent with DSS' implementation date. If you should have any questions, please contact RaNae Hamby at (916) 324-4955 (ATSS 454-4955).

Sincerely,

Original signed by

Doris Z. Soderberg, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

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